

04cv18810d-ord(ALSCT-ruling).wpd

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLES E. JERKINS,

Plaintiff,

v.

LINCOLN ELECTRIC CO., et al.,

Defendants

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Case No. 1:04-CV-18810

JUDGE O'MALLEY

MEMORANDUM AND ORDER

The Court postponed trial of the above-captioned matter pending receipt of a response from the Alabama Supreme Court to certain certified questions. The Alabama Supreme Court recently issued an opinion answering those certified questions. The Court would like to receive position statements from the parties regarding how they believe this opinion affects this case.¹ Accordingly, the Court hereby **ORDERS** each party to submit such a position statement on Monday, July 25, 2011.

IT IS SO ORDERED.

/s/ Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

DATED: July 1, 2011

¹ The Court primarily seeks each party's position regarding how the Alabama Supreme Court's opinion affects any pending dispositive motions filed by or against that party. The parties may also set forth their positions regarding how the Alabama Supreme Court's opinion affects: (1) any pending dispositive motions filed against *other* parties; and (2) evidentiary issues.